

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Dillon Bezeherntny	Team: Squad #12	CCRB Case #: 202206095	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/12/2022 8:58 PM, Thursday, 03/23/2023 11:48 AM	Location of Incident: Unknown location over the phone; CCRB	18 Mo. SOL 1/12/2024	Precinct: 28		
Date/Time CV Reported Thu, 08/25/2022 11:40 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/25/2022 11:40 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Roberto Almanzar	23371	969475	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Matthew Grieve	20150	958653	028 PCT
2. PO Mohamed Islam	21611	959706	028 PCT
3. PO Ruby Esparza	11660	965711	028 PCT
4. PO Tania Martinez	22628	968614	028 PCT
5. PO Damian Weber	25697	967387	028 PCT
6. PO Anthony Nischo	16955	968671	024 PCT
7. PO Michael Laduca	13780	963598	024 PCT
8. SGT Syed Huda	01500	947088	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Roberto Almanzar	Discourtesy: On July 12, 2022, at an unknown location, Police Officer Roberto Almanzar spoke discourteously to § 87(2)(b) via text message.	
B. PO Roberto Almanzar	Untruthful Stmt.: On March 23, 2023, at 100 Church Street in Manhattan, Police Officer Roberto Almanzar provided a false official statement to the CCRB.	

## Case Summary

On August 25, 2022, § 87(2)(b) filed this complaint online with the CCRB.

On the afternoon of July 12, 2022, § 87(2)(b) filed numerous 311 complaints pertaining to double-parked cars and vehicles blocking bicycle lanes within the confines of the 28<sup>th</sup> Precinct, using the 311 “Reported NYC” mobile application on his smartphone. At 8:58 PM, § 87(2)(b) received text messages from PO Roberto Almanzar of the 28<sup>th</sup> Precinct which, in sum and substance, referred to § 87(2)(b) as a “rat” (**Allegation A: Discourtesy**, § 87(2)(g)). On March 23, 2023, PO Almanzar provided a false official statement to the CCRB (**Allegation B: Untruthful Statement**, § 87(2)(g)).

There is no video evidence associated with this complaint.

§ 87(2)(b) was neither issued a summons nor was he arrested during the incident.

## Findings and Recommendations

**Allegation (A) Discourtesy: On July 12, 2022, at an unknown location, Police Officer Roberto Almanzar spoke discourteously to § 87(2)(b) via text message.**

§ 87(2)(b) provided a statement via telephone on September 22, 2022 (Board Review 01). At 8:58 PM on July 12, 2022, § 87(2)(b) received a series of text messages on his cell phone from the number § 87(2)(b) in reference to approximately twenty 311 complaints § 87(2)(b) had filed earlier that day reporting double-parked cars and vehicles blocking bicycle lanes within the 28<sup>th</sup> Precinct. § 87(2)(b) believed the sender of the messages to be a member of the NYPD given that police officers would likely be the only individuals with access to his telephone number, which was included in his 311 complaints. § 87(2)(b) filed these 311 complaints with a mobile app on his phone. § 87(2)(b) used phone number § 87(2)(b) and included this number along with his first and last name in each 311 complaint he submitted.

On September 13, 2022, § 87(2)(b) provided the CCRB with a screenshot of the text messages in question (Board Review 04). The screenshot shows that phone number § 87(2)(b) sent § 87(2)(b) eight text messages, timestamped at 8:58 PM, 8:59 PM, 9:01 PM, 9:02 PM, 9:03 PM, and 9:04 PM, respectively, on the incident date. These messages, together, in sum and substance, referred to him as a rat. The sequence of messages reads, verbatim: “Riddle me this [8:58 PM]; name rhymes with what?; Four legs and a tail, I live in your house. Cheese is my favorite. My [8:59 p.m.]; A RAT [9:01 PM]; § 87(2)(b) [9:02 PM]; rry about; Answer me there’s people being killed and shot and this is what you wo [9:03 p.m.]; § 87(2)(b) [9:04 PM].” Two of the eight messages appear to have been broken up, and appeared intended to ask, “Answer me there’s people being killed and shot and this is what you worry about.”

On December 13, 2022, the NYPD Office of Technology and Innovation provided the CCRB with an Excel sheet (Board Review 05) listing all information on file for 311 complaints filed by § 87(2)(b) on July 12, 2022. That same day, the undersigned investigator compiled NYPD “Find your sector” search results (Board Review 06), which showed that seven of these complaints occurred within the confines of Sector A of the 28<sup>th</sup> Precinct.

On September 22, 2022, the undersigned investigator conducted a wireless service provider/carrier search through FreeCarrierLookup.com, which shows that phone number § 87(2)(b) was affiliated with carrier Neutral Tandem (Board Review 07). A Google search of carrier Neutral

Tandem conducted that same day showed it was a subsidiary of another carrier, Onvoy Inteliquent (Board Review 08). On December 15, 2022, the undersigned submitted a subpoena to Onvoy Inteliquent (Board Review 09). On January 24, 2023, the formal response to the subpoena indicated that the subject phone number, § 87(2)(b) is assigned to wireless service provider TextMe, Inc. (Board Review 09). TextMe Inc. is a wireless service provider that generates its own phone numbers and allows users to text and call from this newly generated number. On February 14, 2023, the undersigned submitted a subpoena (Board Review 10; Board Review 11) to TextMe, Inc. via email.

On February 23, 2023, CCRB received account information from TextMe, Inc. (Board Review 12) for phone number § 87(2)(b) pursuant to subpoena. The account associated with that number was created using email address § 87(2)(b). Records indicate that the account texted § 87(2)(b) six times on July 13, 2022, at 12:58 AM UTC, 12:59 AM UTC, 1:01 AM UTC, 1:02 AM UTC, 1:03 UTC, and 1:04 AM UTC, respectively. A conversion from Coordinated Universal Time (UTC) to Eastern Daylight Time (EDT) shows that the timestamps for the text messages from § 87(2)(b) are 8:58 PM EDT, 8:59 PM EDT, 9:01 PM EDT, 9:02 PM EDT, 9:03 PM EDT, and 9:04 PM EDT – the exact times of the text messages sent to § 87(2)(b).

On April 3, 2023, the undersigned obtained PO Almanzar's NYPD officer photo (Board Review 13), which had been included in the case file for CCRB Case § 87(2)(b). PO Almanzar's date of birth is listed as April 27, 1998. PO Almanzar's command is the 28<sup>th</sup> Precinct. Note that PO Almanzar's first name, last name, birth date § 87(2)(b), and command (28) correspond to the email address used for the TextMe account – § 87(2)(b).

PO Almanzar provided a statement to the CCRB in person on March 23, 2023 (Board Review 02). He stated that he did not have any independent recollection of this incident. PO Almanzar was familiar with the name § 87(2)(b) because § 87(2)(b) frequently submits 311 complaints, usually relating to double parking and other quality-of-life conditions, via a cell phone application that officers can then view on their department phones. 311 complaints filed digitally can include the type of offense committed, a narrative of the complaint, the complainant's name, and the complainant's telephone number. On July 12, 2022, PO Almanzar was assigned to patrol within Sector A of the 28<sup>th</sup> Precinct between the hours of 3 PM and 11:45 PM. According to PO Almanzar, this assignment involves responding to 311 complaints that occur within Sector A of the 28<sup>th</sup> Precinct. PO Almanzar did not recall any complaints filed by § 87(2)(b) on July 12, 2022. PO Almanzar does not typically notate a 311 job in his memo book.

PO Almanzar stated that he does carry his personal cell phone on his person when he is on patrol and that he has never used his personal cell phone or a personal email to contact a civilian pertaining to NYPD business. PO Almanzar stated that his personal email address is § 87(2)(b). When shown an Excel spreadsheet listing the date, time, and location of the 311 complaints filed by § 87(2)(b) on the incident date and a binder of NYPD "Find your sector" searches confirming that numerous of the complaint locations resided within the confines of Sector A of the 28<sup>th</sup> Precinct, PO Almanzar stated he did not recall these 311 jobs. When shown the screenshot of the text messages § 87(2)(b) received, PO Almanzar stated that he was not familiar with the number the messages were from, § 87(2)(b). He denied that the number was affiliated with him in any way. PO Almanzar stated he did not compose the messages depicted in the screenshot.

During his CCRB interview, PO Almanzar was shown subpoena results from TextMe Inc., detailed above. PO Almanzar acknowledged that the TextMe account information was created with an email

that included his first and last name but stated that he has never used a personal email account to create a TextMe account and that he did not send the text messages that § 87(2)(b) received.

PO Weber, who was partnered with PO Almanzar on July 12, 2022, provided a statement to the CCRB in person on March 23, 2023 (Board Review 03). PO Weber had no independent recollection of this incident, but was familiar with the name § 87(2)(b) because officers “deal with him,” when he files multiple 311 complaints each day throughout the 28<sup>th</sup> Precinct. PO Weber could not recall if he responded to any 311 calls from § 87(2)(b) on the incident date. On the incident date, PO Weber and PO Almanzar were assigned to patrol Sector A of the 28<sup>th</sup> Precinct between the hours of 3 PM and 11:45 PM. PO Weber has never seen PO Almanzar communicate with § 87(2)(b) in any way. When shown an Excel spreadsheet listing the date, time, and location of the 311 complaints filed by § 87(2)(b) on the incident date and a binder of NYPD “Find your sector” searches confirming that numerous of the complaint locations resided within the confines of Sector A of the 28<sup>th</sup> Precinct, PO Weber stated that he had no recollection of the incident. When shown the screenshot of the text messages § 87(2)(b) received, PO Weber was not familiar with the messages and stated, to his knowledge, PO Almanzar did not send the text messages to § 87(2)(b).

Administrative Guide 304-11 states that members of the service are to interact with members of the public in a courteous and professional manner (Board Review 14).

A screen shot confirms that § 87(2)(b) received text messages from phone number § 87(2)(b) that referred to him as a “rat.” OTI records and the NYPD’s “Find your sector” tool reveal that these messages were sent after § 87(2)(b) filed seven 311 complaints within the confines of Sector A of the 28<sup>th</sup> Precinct between 8:16 PM and 9:10 PM on the incident date. PO Almanzar and PO Weber each testified that their assignment, Sector A patrol, involves responding to 311 complaints located within their sector, and that, once assigned a 311 complaint, they can review 311 complaint information, including the complainant’s name and phone number, on their department phones. § 87(2)(b) testified, and the Office of Technology and Innovation confirmed, that § 87(2)(b) provided his name and phone number, § 87(2)(b) in each of his 311 complaints. PO Almanzar and PO Weber worked from 3 PM to 11:45 PM, meaning they were on duty within the sector in question when § 87(2)(b) complaints were submitted and when he received the text messages of concern. Account information received from TextMe Inc. for the number § 87(2)(b) shows that the account was created with an email that reads “§ 87(2)(b).” PO Almanzar testified that his personal email is § 87(2)(b) which is nearly identical to the email used to create the TextMe account that sent the text messages in question to § 87(2)(b). The difference between these two emails is the addition of numbers 27 and 28, which correspond to the day of the month that PO Almanzar was born, § 87(2)(b) and his command, the 28<sup>th</sup> Precinct. Though PO Almanzar stated he did not compose the text messages in question, and PO Weber stated that to his knowledge PO Almanzar did not send the text messages to § 87(2)(b) the evidence indicates that PO Almanzar did send the text messages in question to § 87(2)(b). These messages implied that § 87(2)(b) is a “rat” for submitting 311 complaints pertaining to quality-of-life issues when there are more violent, life-threatening crimes happening. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (B) Untruthful Statement: On March 23, 2023, at 100 Church Street in Manhattan, Police Officer Roberto Almanzar provided a false official statement to the CCRB.**

As noted, PO Almanzar (Board Review 02) was interviewed at the CCRB on March 23, 2023. During the interview, PO Almanzar reviewed the following evidence (also cited above in this report): an excel sheet noting the date, time, and location of § 87(2)(b) 311 complaints; a compilation of NYPD “Find your sector” searches that showed seven of the 311 complaints occurred within the confines of Sector A of the 28<sup>th</sup> Precinct; a screenshot of the text messages § 87(2)(b) received; and the account information from TextMe Inc. for the number that messaged § 87(2)(b) showing that the associated email address was § 87(2)(b). PO Almanzar acknowledged that several of the 311 complaints appeared to occur within the confines of his assigned sector, but stated that information did not refresh his independent recollection of this incident [11:54 to 12:44]. PO Almanzar stated he was not familiar or in any way affiliated with the number from which § 87(2)(b) received the text messages, (§ 87(2)(b) PO Almanzar maintained he did not compose or send the text messages depicted to § 87(2)(b) [14:11 to 15:57]. PO Almanzar stated his personal email is § 87(2)(b) and acknowledged that the email used to create the TextMe account that § 87(2)(b) was messaged from consisted of his last name and first name, but maintained that he did not compose or send the text messages in question to § 87(2)(b). PO Almanzar stated that the digits § 87(2)(b) do not hold any significance to him but did acknowledge that he is assigned to the 28<sup>th</sup> Precinct [14:58 to 17:48].

As noted, in PO Almanzar’s NYPD officer photo and NYPD records (Board Review 08), PO Almanzar’s date of birth is listed as § 87(2)(b) and his command is listed as the 28<sup>th</sup> Precinct.

Administrative Guide 304-10 states that an officer is prohibited from intentionally making a false official statement, which is defined as a statement that an officer knows to be untrue which is material to the outcome of the investigation (Board Review 15).

The purpose of this investigation is to determine the identity of the individual who sent § 87(2)(b) the discourteous text messages in question. PO Almanzar was shown the text messages he sent to § 87(2)(b) and denied sending them. When shown the TextMe account information that listed the email address used to generate the account that sent the text messages, which included PO Almanzar’s last name, his first name, the day of April when he was born, and the precinct to which he is assigned, he maintained that he did not compose or send the text messages that § 87(2)(b) received. A preponderance of evidence strongly indicates that PO Almanzar did send the text messages in question to § 87(2)(b). PO Almanzar reviewed that evidence but maintained that he did not compose or send the text messages in question. This denial of his role in sending these messages is material to this investigation in that PO Almanzar denied that he committed the misconduct in question. PO Almanzar reviewed the evidence and, in response, did not state that he could not recall if he sent the messages in question, but rather stated definitively that he did not send the text messages in question. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 16).
- PO Almanzar has been a member of service for two years and has been a subject in two other CCRB complaints and four other allegations, none of which have been substantiated.

§ 87(2)(g)

**Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of October 17, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (Board Review 18).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 12

Investigator:	<u>Dillon Bezehertny</u>	<u>Investigator Bezehertny</u>	<u>04/05/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Samuel Ross</u>	<u>IM Samuel Ross</u>	<u>04/05/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date